

## **II. Remarks**

Claims 1 and 4-20 were pending in this application. Claims 10, 12-17, 19 and 20 have been withdrawn from consideration. Claims 1, 4-9, 11 and 18 have been rejected. The present amendment amends claim 1 to more particularly point out and clarify Applicant's invention. No new matter has been added. After this amendment, claims 1 and 4-20 will be pending.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

### *Election/Restriction*

Claims 10, 12-17 and 20 were withdrawn pursuant to the Reply filed on June 30, 2009. The Examiner has also subsequently withdrawn claim 19 because "it includes features of Fig. 10 embodiment which are not present in the elected species of Fig. 1". Office Action on page 2. Applicant acknowledges without traverse the withdrawal of claim 19.

### *Rejection under 35 U.S.C. § 102*

Claims 1, 4-9, 11, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,616,081 issued to Clute, et al. ("Clute"). In view of the amendments and remarks contained herein, Applicant respectfully submits that the rejections of claims 1, 4-9, 11, and 18 are traversed.

Applicant's invention is concerned with providing a seat belt retractor to prevent a seat occupant from reaching the dashboard in an accident situation. In particular, more energy is to be absorbed from a heavy person than a light person and/or from a person in a severe high speed accident than a person in a low speed accident. The seat belt retractor comprises a load limiter that provides a first relatively high energy absorption level and a second relatively low energy absorption level to permit the restricted paying out of the seat belt webbing. The load limiter is in the form of a two section torsion bar having a stiff or wide diameter cross-section, and a soft or narrow diameter cross-section. A control mechanism is operable to select between the energy absorption levels in response to crash related signals. The control mechanism selects the second energy level from the initially selected first energy level when the initial belt force is less than a predetermined force and further, prevents the selection from the first energy level to the second energy level when the initial belt force is more than the predetermined force. Advantageously, the control mechanism directly prevents the effective selection of the second low energy absorbing level via relative movement in the mechanical arrangement, without the generation and processing of any electric control signals, a very fast acting operation may be achieved at a relatively low cost for which more energy may be absorbed for example by a heavy person in an accident situation and/or a person in a severe high speed accident. Applicant's application at paragraphs [0004] and [0009]-[0010]. Accordingly, claim 1 has been amended to recite that the control mechanism of the retractor initially selects the first energy absorbing level upon locking of the retractor by the locking device. When relative movement between two

components of the retractor caused by an initial belt force is less than a predetermined force, the control mechanism selects the second energy absorbing level. When the relative movement between the components of the retractor caused by an initial belt force is in excess of the predetermined force, the control mechanism prevents the effective selection of the second energy absorbing level, thereby maintaining the first energy absorbing level.

Chute discloses a belt retract 10 with a two energy absorbing element force limiting device in the form of a torsion bar 13 having a high force section 14 and a low force section 15. A switching device for switching from the higher force level section 14 to the lower force level section 15 is formed via pawls 21 that couple the belt spool 12 and a torque tube 18 such that when the pawls 21 are in the coupled position force flows from the spool 12 via the torque tube 18 to section 14 of the torsion bar 13. If the pawls 21 are disengaged from the torque tube 18 by the actuation of the switching device, the spool 12 can rotate relative to the torque tube 18, and now force flows to section 13 of the torsion bar 13. *Chute* at Col. 3, line 45-Col. 4, line 14. This belt force limitation created in the retractor cooperatively coordinated with the airbag located in the vehicle where “the point in time at which the switch takes place from the higher force level to the lower force level is very important.” In a first embodiment, Chute discloses that the switch from the higher force level to the lower force level is provide by a time switch after a pre-selected period of time has occurred. In a second embodiment, Chute discloses that the switch from the higher force level to the lower force level is provide by a device for determining the number of revolutions of the spool after a pre-selected threshold has

been exceeded. *Id.* at Col. 2, line 53-Col. 3, line 8. That is, Chute's switching device for the belt retract 10 is initially selected in the higher force level and (1) switches to select the lower force level after either a pre-selected time threshold or a pre-selected revolutions of the spool has been exceeded. Notably, Applicant's control mechanism selects the lower energy absorbing level when the initial belt force is less than a predetermined force, and not when either a pre-selected time period or pre-selected revolutions of the spool have been exceeded. Moreover, Chute fails to disclose that (2) switching device prevents switching from the higher force level to the lower force level when an initial belt force is in excess of the predetermined force, thereby maintaining the higher force level.

This is unlike Applicant's invention where the control mechanism initially selects the first higher energy absorbing level upon locking of the retractor and (1) when relative movement between two components of the retractor caused by an initial belt force less than a predetermined force, the control mechanism selects the second lower energy absorbing level, and further (2) when the initial belt force is in excess of the predetermined force, the control mechanism prevents the effective selection of the second lower energy absorbing level, thereby maintaining the first higher energy absorbing level. In that Chute lacks the noted elements of claim 1, the rejections based thereon should be withdrawn. Accordingly, Applicant believes that claim 1 and its dependent claims 4-9, 11 and 18 are in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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